

**BEFORE THE NORTH CAROLINA BOARD OF PHARMACY**

**In Re:**

**Dana L. Mullis** )  
**(License No. 19217)** ) **ORDER REINSTATING LICENSE**  
 ) **WITH CONDITIONS**  
 )

**THIS MATTER** was heard on May 18, 2010, by the North Carolina Board of Pharmacy (“Board”) located at 6015 Farrington Road, Suite 201, Chapel Hill, North Carolina, upon the request of Dana L. Mullis (“Petitioner”) for reinstatement of her license to practice pharmacy. Board members McLaughlin, Dennis, Chater, Chesson, Minton and Marks heard this matter. After hearing the testimony of witnesses, adjudging the credibility of the witnesses, and receiving evidence, the Board makes the following:

**FINDINGS OF FACT**

1. Petitioner formerly held North Carolina license to practice pharmacy number 19217.
2. On June 25, 2008, Board staff received a report that Petitioner, while acting as Pharmacist-Manager of a CVS/pharmacy in Kitty Hawk, was creating fraudulent prescriptions for methylphenidate and amphetamine salts (both Schedule II controlled substances) for herself and for a man whom she was dating.
3. When confronted by a Board of Pharmacy Investigator, Petitioner admitted the diversion, which occurred over an eight-month period. At the time, Petitioner attributed the diversion activity to stress and claimed that she only used the diverted controlled substances to maintain focus during stressful work situations. Petitioner now admits that she was then engaged in addictive behavior.

4. Petitioner denied that any diverted controlled substances were provided to anyone other than herself and her then-boyfriend. The Board has obtained no evidence that the diverted controlled substances were provided to any other person.
5. On June 30, 2008, Petitioner voluntarily surrendered her license to practice pharmacy.
6. In the spring of 2009, after a period of self-reflection, Petitioner contacted North Carolina Pharmacist Recovery Network ("NCPRN"). In June 2009, Petitioner submitted to a seven-day in-patient assessment at Health Care Connection in Tampa Florida.
7. Petitioner returned to Health Care Connection in August 2009 and successfully completed a 34-day in-patient treatment program for substance abuse.
8. Upon discharge from Health Care Connection, Petitioner signed a five-year treatment and monitoring contract with NCPRN.
9. NCPRN reports that Petitioner has been compliant with her NCPRN obligations. NCPRN reported that petitioner missed one call-in for possible testing in April 2010, but that this isolated incident has not recurred.
10. NCPRN advocates for Petitioner's return to the practice of pharmacy with appropriate conditions.

#### **CONCLUSIONS OF LAW**

Petitioner has demonstrated that she has been in a period of successful recovery and compliance with her NCPRN contract. The Board, in its discretion, concludes that Petitioner can safely resume the practice of pharmacy with the conditions stated below.

**IT IS THEREFORE ORDERED** that Petitioner's license to practice pharmacy is **REINSTATED, SUBJECT TO THE FOLLOWING CONDITIONS:**

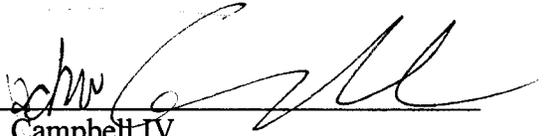
1. As a condition precedent for reinstatement, petitioner shall take and pass the Multistate Pharmacy Jurisprudence Exam ("MPJE"), which is administered by the National Association of Boards of Pharmacy.
2. As a condition precedent for reinstatement, Petitioner shall submit documentation of her current continuing education hours to the Board's Executive Director. To satisfy this requirement, Petitioner must provide documentation of having completed 30 hours of continuing education total, 16 of which being "live" or "contact" continuing education.
3. As a condition precedent for reinstatement, Petitioner shall complete the Board's "Application to Reinstate a License" and pay the appropriate fee.
4. Petitioner shall successfully complete her NCPRN contract.
5. Petitioner shall advise the Board promptly in writing of any change of address or change in practice status.
6. Petitioner shall obtain prior approval of all employment as a pharmacist from the Board's Executive Director.
7. Petitioner shall not serve as pharmacist manager of any pharmacy.
8. Petitioner shall not serve as a preceptor of pharmacy students.
9. Petitioner may not be employed as a pharmacist more than 30 hours per week, on the average. This limitation may be extended at the discretion of NCPRN, and Petitioner shall notify the Board's Executive Director if NCPRN extends this limitation.

10. Petitioner shall authorize NCPRN, and any treating physician or other health-care provider to release Petitioner's medical records to the Board.
11. Petitioner shall violate no laws governing the practice of pharmacy or the distribution of drugs.
12. Petitioner shall violate no rules or regulations of the Board.
14. If Petitioner fails to comply with any term or condition of this Order, Petitioner may be subject to additional disciplinary action by the Board.

This is the 18th day of May, 2010.

NORTH CAROLINA BOARD OF PHARMACY

By: \_\_\_\_\_

  
Jack W. Campbell IV  
Executive Director